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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/944,332	08/30/2001	Liqin Shen	JP920000191US1 (590.079)	1865

35195 7590 05/02/2006

FERENCE & ASSOCIATES
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EXAMINER	
HAN, QI	

ART UNIT	PAPER NUMBER
2626	

DATE MAILED: 05/02/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action Before the Filing of an Appeal Brief	**Application No.** 09/944,332	**Applicant(s)** SHEN ET AL.	
	Examiner Qi Han	**Art Unit** 2626	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 10 April 2006 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:
   a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
   b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

   Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
   (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
   (b) ☐ They raise the issue of new matter (see NOTE below);
   (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
   (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

   NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).
4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
   The status of the claim(s) is (or will be) as follows:
   Claim(s) allowed: _____.
   Claim(s) objected to: _____.
   Claim(s) rejected: _____.
   Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). _____
13. ☒ Other: _____.

RICHEMOND DORVIL
SUPERVISORY PATENT EXAMINER

Continuation of 11. does NOT place the application in condition for allowance because: The applicant's arguments filed on 04/10/2006 are not persuasive.

In response to applicant's argument (see amendment: pages 9-13), regarding the rejection of claims 1-19 under 35 USC 103 (a), that "claim 1 recites... filtering out false candidates to output new words...neither Wang (primary reference) nor Razin (a secondary reference), nor the combination of the two, teach or suggest the limitations of the instant invention" (the amendment: page 11, paragraph 2), and that "in Wang (primary reference), the invention deals with word-level trees and does not relate at all to the process of standardized document phrasing, which is the crux of the invention of Razin (a secondary reference)" (the amendment: page 11, paragraph 3), the examiner respectfully disagrees with the applicant and has a different view of the prior art teachings and the claim interpretations. It is noted that the applicant's arguments are within the same or similar scope of the arguments in the previous amendment (filed on 09/21/2005), so that the response to the current arguments is directed to the examiner's response to the previous arguments (see detail in the section of "Response to Arguments" in the final rejection filed on 02/09/2006).

In addition, in response to applicant's argument that "in Wang (primary reference), the invention deals with word-level trees and does not relate at all to the process of standardized document phrasing, which is the crux of the invention of Razin (a secondary reference)", the test for obviousness is not whether the features of a secondary reference may be bodily incorporated into the structure of the primary reference; nor is it that the claimed invention must be expressly suggested in any one or all of the references. Rather, the test is what the combined teachings of the references would have suggested to those of ordinary skill in the art. See In re Keller, 642 F.2d 413, 208 USPQ 871 (CCPA 1981). It should be pointed out that the examiner clearly suggests that using the secondary reference is focused on providing "filtering" functionality (using bold letter in the final rejection, page 6, paragraph 5), because Wang has already disclosed using words with the prefix tree and 'counting the occurrence of strings of characters'(col. 1, lines 60-62) (corresponding to new words and is capable of outputting).

Furthermore, in another view of Wang's disclosure, he teaches that 'the items of the corpus' having low occurrence frequency 'may be pruned' (column 7, lines 27-29), 'counting the occurrence of strings of characters' (corresponding to new words and is capable of outputting) (col. 1, lines 60-62), and 'dynamically updating the lexicon (word list)' (col.2, lines 50-55) that necessarily includes outputting new words to the lexicon. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to recognize that pruning process would result in filtering out low frequency (false) candidates and dynamically updating the lexicon could include outputting new words to the lexicon, so as to combine different teachings or embodiments of Wang to providing identified new items (words) with pruning process and then outputting the items to a lexicon, for the purpose (motivation) of dynamically updating the lexicon (Wang: col. 2, line 55). This means that the single reference of Wang himself may also support the prior art rejection, based on the obviousness of combining Wang's different teachings and broadest reasonable interpretation of the claims.

For above reason, it is believed that the applicant's arguments regarding the prior art rejection are not persuasive, and the rejection is sustained.

Finally, it should be mentioned that the examiner withdraws the disclosure objection, because the applicant amended and/or further clarified the corresponding subject matter (see the amendment: pages 2 and 8-9).